

PATENT & TRADEMARK OFFICE 0203 JUN 3 0 2003

mt5) DAC \$ #16

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)  
0630-0401P

Mail to: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

RECEIVED  
JUL 02 2003  
OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

Patent No. 5,587,789 Application Number 08/227,281  
Issue Date December 24, 1996 Filing Date April 13, 1994

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366 (c) and (d).

**Also complete the following information, if applicable**

The above-identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

Adjustment date: 00/00/0000  
07/02/2003 AWONDAF1 00000022 08227281  
01 FC:1599 -1590.00 DP  
07/03/2003 AKELLEY 00000004 5587789

01 C:1551  
02 C:1557

890.00 DP  
700.00 DP  
CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

07/02/2003 AWONDAF1 00000022 08227281

01 C:1599 1590.00 DP

\_\_\_\_\_  
Typed or printed name of person signing Certificate

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## 1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 890	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 890

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1558) must be paid as a ~~condition~~ <sup>offset</sup> for unavoidably delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 700

## 5. MANNER OF PAYMENT

- ☒ Enclosed is a check for the sum of \$ 1590.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.
- ☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☒ The Commissioner is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 02-2448. A duplicate copy of this authorization is attached.

## 7. OVERPAYMENT

As to any overpayment made please

OR ☒ Credit to Deposit Account No. 02-2448

☐ Send refund check.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

6/30/2003  
Date

( 703 ) 205-8000  
Telephone Number

James T. Eller, Jr.  
Signature(s) of Petitioner(s)

James T. Eller, Jr., #39,538  
Typed or printed name(s)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

Address  
P.O. Box 747  
Falls Church, VA 22040-0747

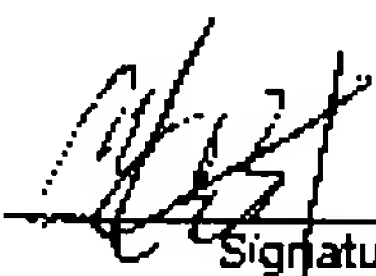
## ENCLOSURES:

- ☒ Maintenance Fee payment
- ☒ Statement why maintenance fee was not paid timely
- ☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- ☐ \_\_\_\_\_

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patented, the assignee, or other party in interest."

June 27, 2003  
Date

  
Signature  
Woon-Kyu CHIANG, Manager  
Type or printed name

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

(Please attach additional sheets if additional space is necessary.)

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June 27, 2003  
Date

Seung-Gyu JEON  
Signature

Seung-Gyu JEON, Senior Manager  
Typed or printed name

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

(Please attach additional sheets if additional space is necessary)

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

June 30, 2003  
Date

Scott L. Lowe  
Signature

Scott L. Lowe, Attorney

Typed or printed name

Reg. # 41,458

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

See the attached Statement.

(Please attach additional sheets if additional space is needed)